

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

BRENDA RENEE BESSON,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

No. 1:22-cv-00365-BAM

ORDER LIFTING THE STAY

AMENDED SCHEDULING ORDER,
SOCIAL SECURITY CASE

Plaintiff seeks judicial review of an administrative decision of the Commissioner of Social Security denying plaintiff's claim for disability benefits under the Social Security Act. This case is before the undersigned pursuant to 42 U.S.C. §§ 405(g), 1383(c)(3) and Local Rule 302(c)(15).

This case was previously stayed pursuant to General Order 615. On February 16, 2022, the Court rescinded G.O. 615, effective April 1, 2022. (*See* G.O. 644.) The parties are hereby notified that pursuant to General Order 644, the stay in this case is **LIFTED**. The Court directs the following schedule in this case:

1. **Within 90 days**, defendant shall file a copy of the administrative record. The filing of the administrative record shall be deemed an answer to the complaint.

2. **Within 45 days after service of the administrative record**, the plaintiff shall file

1 the motion for summary judgment.

2 3. **Within 45 days after service of plaintiff's opening brief**, the defendant shall file
3 the cross-motion for summary judgment.

4 4. **Within 15 days after filing of defendant's brief**, the plaintiff shall file the
5 optional reply brief.

6 5. In those cases where a Fed. R. Civ. P. 12 motion to dismiss is warranted, the
7 defendant shall file a motion to dismiss in lieu of filing the administrative record. The motion to
8 dismiss shall be filed within 90 days of service of the complaint. The opposing brief shall be filed
9 within 14 days after service of the motion. The reply brief shall be filed within 7 days after
10 service of the opposition brief. The motion to dismiss shall NOT be noticed for hearing.

11 6. All references to the record and all assertion of fact must be accompanied by
12 citations to the record. The opening and responsive brief shall contain the following:

13 (a) A description of the plaintiff's alleged physical or emotional impairments,
14 including when the plaintiff contends the impairments became disabling, and how these
15 impairments disable the plaintiff from work;

16 (b) A summary of all relevant medical evidence, including an explanation of
17 the significance of clinical and laboratory findings and the purpose and effect of prescribed
18 medication and therapy;

19 (c) A summary of the relevant testimony at the administrative hearing;

20 (d) A recitation of the defendant's findings and conclusions relevant to the
21 plaintiff's claims;

22 (e) A short, separate statement of each of the plaintiff's legal claims stated in
23 terms of the insufficiency of the evidence to support findings of fact or reliance upon an
24 erroneous legal standard; and

25 (f) Argument separately addressing each claimed error. Argument in support
26 of each claim of error must be supported by citation to legal authority and explanation of the
27 application of such authority to the facts of the particular case. Briefs that do not substantially
28 comply with these requirements will be stricken.

1 7. Each party is entitled to a single extension of time of up to twenty-eight (28) days,
2 with no requirement for consent of the opposing party or Court order. Upon filing a Notice of
3 Extension with the Court, plaintiff shall be granted an extension of time of no more than twenty-
4 eight (28) days to file the motion for summary judgment. Upon filing a Notice of Extension with
5 the Court, defendant shall be granted an extension of time of no more than twenty-eight (28) days
6 to file the cross-motion for summary judgment. All other deadlines will be adjusted accordingly.

7 8. Additional extensions of this briefing schedule will not routinely be granted. Any
8 such request must be made by written stipulation or motion and will be granted only for good
9 cause. A request for a modification brought on the filing deadline, will be looked upon with
10 disfavor. Local Rule 144(d).

11 9. Motions for attorney fees shall be filed within 30 days after entry of final
12 judgment.

13 10. Violations of this order or of the federal rules of procedure or the Local Rules may
14 result in sanctions pursuant to Local Rule 110.

IT IS SO ORDERED.

17 || Dated: **April 4, 2022**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE